IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.49 Of 2003.

KAILASH CHAND SHARMA

VERSUS.

GRAM PANCHAYAT, NAYA NOHRA, PANCHAYAT SAMITI, LADPURA, KOTA AND OTHERS.

Date Of Order ::: 07.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Rajveer Sharma, Counsel for plaintiff-appellant.
Mr. K.C. Sharma, Counsel for defendant-respondents

By the Court :

Heard learned counsel for both the parties on the application under Section 5 of the Limitation Act for condonation of delay as well as on the admission of the second appeal.

The plaintiff-appellant filed a suit for permanent injunction to declare his order of termination as illegal. The Lower Court observed that the plaintiff was only a part-time-employee on

consolidated monthly salary of Rs.200/- and he has been removed as regular Assistant Secretary has already been appointed in the Gram Panchayat. Consequently, the suit of the plaintiff was dismissed. The Lower Appellate Court has also affirmed the finding of the Lower Court.

I have considered the submissions of learned counsel for both the parties in the light of the findings of both the Courts below and I find that the questions involved in the present case relate to the question of facts and there is a concurrent finding of fact, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

I am also not satisfied with the explanation of the appellant for condonation of delay of 200 days in filing the second appeal. The application under Section 5 of the Limitation Act is dismissed.

Consequently, the second appeal is dismissed being barred by limitation as well as on merits also.

(Narendra Kumar Jain) J.

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